

CESSATION ORDER
(FOR IMMINENT DANGER OR HARM)

I - 11726

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION
OF RECLAMATION

Mineral
Resources Mgt.

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 85 DISCOVERY DATE:
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A); 1501.13-9-04(A)

DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:

The operator failed to conduct coal mining operations so as to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek.

8/26/05
(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. DATE: 8-23-2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & OEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. DATE: 8-28-2005

SERVED TO: Ry M Munny 8/23/05 BY: J. Pataj TIME: 4:00 a.m. DATE: 8-23-05
Authorized Representative

~~EXTENDED TO:~~ 5:00 a.m. 10-12-2005 ~~EXTENDED TO:~~ 5:00 a.m. 11-15-2005

Served to: Mailed 10/27/05 Date: 9-13-05 Served to: J. Pataj Date: 10-13-05
By: J. Pataj Date: 9-13-05 By: J. Pataj Date: 10-13-05

MODIFIED: August 26, 2005 To: Ry M Munny By: J. Pataj
() NON-COMPLIANCE: a.m. Mailed 09/16/05 To: J. Pataj By: J. Pataj
p.m. 19

EXTENDED TO: 5:00 a.m. 1-20-2006 EXTENDED TO: 5:00 a.m. 4-30-2006

Served to: Mailed 11/23/05 Date: 11-24-05 Served to: Mailed 03-31-06 Date: 3-27-06
By: J. Pataj Date: 11-24-05 By: J. Pataj Date: 3-27-06

EXTENDED TO: 5:00 a.m. 3-20-2006 EXTENDED TO: 5:00 a.m. 5-31-2006

Served to: Mailed 02/09/06 Date: 2-8-06 Served to: Mailed 5/12/06 Date: 5-11-06
By: J. Pataj Date: 2-8-06 By: J. Pataj Date: 5-11-06

MODIFIED: 19 To: By:

NON-COMPLIANCE: a.m. 19 To: By:
p.m. 19

Cessation Order Issued? yes no If no, explain

VACATED: 19 To: By:

TERMINATED: 19 To: By: